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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
2008 MAY -1 AM 11:39  
FBI

UNITED STATES OF AMERICA,

Plaintiff,

v.

VENTURA-Salvador, Rigoberto

Defendant.


) Magistrate Case No.  
) **U8 MJ 1368**  
)  
) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326;  
) Deported Alien Found in the  
) United States  
)  
)  
)

The undersigned complainant, being duly sworn, states:

On or about, **February 11, 2008**, within the Southern District of California, defendant, **VENTURA-Salvador, Rigoberto**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
Immigration Enforcement Agent  
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st DAY OF May 2008**.

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****NAME: VENTURA-Salvador, Rigoberto****PROBABLE CAUSE STATEMENT**

On or about February 11, 2008 the defendant, identified as, VENTURA-Salvador, Rigoberto, was apprehended by the United States Border Patrol near Tecate, California, for illegal entry into the United States. The defendant was booked into San Diego County Jail for PC 3056 "VIOLATION OF PAROLE". A Border Patrol Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release. The defendant was subsequently referred to the Department of Corrections. On April 30, 2008, defendant was referred to Immigration and Customs Enforcement (ICE) custody.

A thorough review of official Immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States on January 30, 2008 and physically removed to Mexico on January 31, 2008 via the San Ysidro, California Port of Entry. Record checks also indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, VENTURA-Salvador, Rigoberto, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that, VENTURA-Salvador, Rigoberto, has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.